

**TESTIMONY OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE NATURAL RESOURCES COMMITTEE
ON H.R. 1061
A BILL TO TRANSFER CERTAIN LAND TO THE UNITED STATES TO BE HELD IN
TRUST FOR THE HOH INDIAN TRIBE, TO PLACE LAND INTO TRUST FOR THE
HOH INDIAN TRIBE, AND FOR OTHER PURPOSES**

JUNE 3, 2009

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 1061, a bill to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place additional land into trust for the Hoh Indian Tribe, and for other purposes.

The Department supports H.R. 1061 with amendments discussed at the end of this testimony. This legislation would make available to the Hoh Indian Tribe 37 acres of land currently within the boundary of Olympic National Park in order to facilitate the tribe's move to new lands on higher ground, away from the frequent flooding and the tsunami risk that the tribe currently must contend with. The legislation also seeks to protect the natural resources of the land removed from the park and to encourage agreements between the National Park Service and the tribe on matters related to the land.

The Hoh Indian Tribe is a small, Federally recognized tribe that historically lived in at least seven river settlements along the Hoh River drainage. The Hoh Indian Reservation, established by executive order in 1893, is located on the Olympic Peninsula along the Pacific Ocean. The

reservation is bordered to the north by the Hoh River and to the east and south by Olympic National Park. It consists of approximately 443 acres and is home to about 100 residents. The primary occupation of the tribal members is fishing but residents also make traditional decorative baskets and carvings and carved canoes.

Over ninety percent of the reservation is located within the flood zone and the entire reservation is within the tsunami zone. The reservation has flooded repeatedly over the last five years; homes, tribal buildings and utilities infrastructure have suffered serious water and wind damage due to their location. Habitable acreage has been reduced over time because of weather and flood events associated with the Hoh River. Oral history of the tribe includes stories of tsunamis.

The tribe has purchased approximately 260 acres of land from private owners, and the State of Washington has transferred 160 acres of land to the tribe in order to move key infrastructure out of the flood and tsunami zones. The 37 acres of land within Olympic National Park that would be held in trust for the tribe under H.R. 1061 lie between the existing reservation land and the new land purchased by and transferred to the tribe. The 37 acres is a narrow strip of land bordered on the east and west sides by the reservation. It is bisected by the Lower Hoh Road which provides the only road access to the coastal portion of the reservation. There are no park-owned facilities or trails in this area, and there are few opportunities for park visitors.

In addition to providing for the 37 acres to be held in trust by the United States for the benefit of the Hoh Indian Tribe and excluding this land from the boundary of Olympic National Park, H.R. 1061 would also:

- provide for placing in trust for the benefit of the tribe the approximately 420 acres of non-Federal land that the tribe has recently acquired.
- express the intent of Congress regarding preservation, protection and limiting alteration of the 37 acres, and cooperative efforts between the National Park Service and the tribe.
- provide specific restrictions on the use of the 37 acres in order to protect the land's resources;
- urge the National Park Service and the tribe to enter into written agreements on mutual aid for emergency fire response, opportunities for the public to learn more about the culture and traditions of the tribe, and development and placement of a multi-purpose, non-motorized trail; and
- prohibit gaming on the lands taken into trust under this bill

The Department recommends some amendments to H.R. 1061. We suggest clarifying the trust language for the tribal land in Section 4(a). We also suggest eliminating the “intent of Congress” provisions in section 4(e) regarding the use of the 37 acres, since they are unnecessary. The intent to restrict the use of the land, and to have the National Park Service and the tribe to work cooperatively, is expressed through the specific land-use restrictions and agreements that are included in Section 5. However, we believe the provisions of section 5 could be strengthened and clarified.

We would be happy to work with the committee on developing amendments for the purposes described above, as well as some additional technical amendments.

Mr. Chairman, that concludes my statement. I would be pleased to respond to any questions you or the other members may have.